

Fee Copy

Docket No.: 559662000103
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent of:

Bruce Joseph ROSER

Patent No.: 7,220,836 B2

Issued: 22 May 2007

For: DRIED BLOOD FACTOR COMPOSITION
COMPRISING TREHALOSE

Confirmation No.: 2868

Art Unit: 1651

Examiner: Ruth A. Davis

PETITION UNDER 37 CFR 1.182

REQUEST FOR RESTORATION OF PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

02/27/2009 CKHLOK 00000003 031952 10679723
01 FC:1455 200.00 DA

Dear Sir:

The present application was originally filed 6 October 2003.

A response was filed to the first Office action on the merits on 21 September 2006. In an effort to expedite prosecution, terminal disclaimers were filed with respect to issued patent 6,649,386 and three copending applications. The terminal disclaimers were filed on PTO form PTO/SB/25(10/05).

This was followed by a Notice of Allowance mailed 13 March 2007 which indicated that a patent term adjustment of 378 days was granted.

Adjustment date: 02/27/2009 CKHLOK
05/27/2008 INTEFSW 00003626 031952 10679723
01 FC:1462 400.00 CR

In reviewing the case in preparation for paying the issue fee, applicant realized that the terminal disclaimer form provided by the Office did not make an exception for patent term

adjustments granted in respect to delays in prosecution. Therefore, in conjunction with paying the issue fee on 13 March 2007, applicant submitted a request to substitute a terminal disclaimer which excepted patent term adjustments under 35 U.S.C. § 154(b) from the disclaimer.

Because this was submitted with the issue fee, the patent term adjustment granted by the Office was reduced to 306 days, or 72 days less than originally granted.

Applicant believes that as reliance was placed on the PTO form, applicant only subsequently discovered that this form did not provide the requisite exception, and applicant had conducted the prosecution in a manner to expedite allowance, applicant should not be penalized for having to substitute the corrected form. Therefore, applicant respectfully requests restitution of the original granted patent term adjustment of 378 days.

The petition fee is enclosed.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 559662000103.

Respectfully submitted,

Dated: May 23, 2008

By: _____ / Kate H. Murashige /
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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND									
1 Date of Request: <u>12/01/08</u>		2 Serial/Patent # <u>10/679723</u>							
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT					
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TYPED/PRINTED NAME: <u>Derek L. Woods</u>		TITLE: <u>Attorney</u>							
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APPROVED: <u>CKhlok</u>		DATE: <u>2/27/09</u>							

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